IN THE CLAIMS

Please amend the claims to be in the form as follows:

Claims 1-12. (cancelled)

13. (previously presented) An encoding device comprising:

a compression unit for encoding a signal representing a video program of a predefined duration into compressed digital data with a variable bit rate; and

system controller means for controlling the compression unit for adjusting during the encoding, the bit rate of the digital data for fitting the program in a predetermined data space which is available for the program depending on: a remaining part of the data space determined during the encoding, a remaining part of the duration of the program determined during the encoding, and a complexity of at least a part of the program.

14. (previously presented) A recording device comprising:

recording means for recording digital data on the information carrier having a predetermined data space available for recording;

a compression unit for encoding a signal representing a video program of a predefined duration into digital data;

data space means for determining during the encoding, the remaining part of the data space;

duration means for determining during the encoding, the remaining part of the duration of the video program;

data space means for determining during the encoding, the complexity of at least a part of the video program; and

system controller means for controlling the compression unit for adjusting during the encoding the bit rate of the digital data for fitting the program in the data space depending on: the

remaining part of the data space determined during the encoding;
the remaining part of the duration of the video program determined
during encoding; and the complexity of at least a part of the video
program.

15. (previously presented) A method of encoding comprising the
steps of:

    receiving a signal that represents a video program of a
predefined duration;

    encoding to convert the signal into compressed digital data
with a bit rate adjusted for fitting the program into a
predetermined data space which is available for the program;

    determining during the encoding, a remaining part of the
memory space;

    determining during the encoding, a remaining part of the
duration of the video program;

    determining during the encoding, the complexity of at least a
part of the video program; and

    adjusting settings of the compression process for adjusting
during the encoding the bit rate depending on: the remaining part
of the data space determined during encoding, the remaining part of
the duration determined during encoding, and the complexity of at
least a part of the program determined during encoding.

16. (previously presented) Apparatus for programming a programmable
controller to provide programmed structures to control a
compression unit to influence a bit rate of a program of predefined
duration, comprising:

    means for providing programmed structures for determining
during the encoding, a remaining part of the memory space;

means for providing programmed structures for determining during the encoding, a remaining part of the duration of the video program;

means for providing programmed structures for determining during the encoding, the complexity of at least a part of the video program; and

means for providing programmed structures for adjusting settings of the compression process for adjusting during the encoding the bit rate depending on: the remaining part of the data space determined during encoding, the remaining part of the duration determined during encoding, and the complexity of at least a part of the program determined during encoding.

17-18 (canceled)

19. (previously presented) The encoding device of 13 wherein the system controller means controls the compression unit to set compression in accordance with the complexity for the at least a part of the program by increasing compression for more complex parts of the program.

20. (previously presented) The encoding device of 19 wherein the system controller means computes a new value for the bit rate in response to more complex of the parts of the program being encoded with increased compression.

21. (previously presented) The encoding device of 13 wherein the compression unit employs a variable bit rate in accordance with program signal contents.

22. (previously presented) The recording device of 14 wherein the system controller means controls the compression unit to set

compression in accordance with the complexity for the at least a
part of the program by increasing compression for more complex
parts of the program.

23. (previously presented) The recording device of 22 wherein the
system controller means computes a new value for the bit rate in
response to more complex of the parts of the program being encoded
with increased compression.

24. (previously presented) The recording device of 14 wherein the
compression unit employs a variable bit rate in accordance with
program signal contents.

25. (previously presented) The method of 15 wherein the adjusting
of the settings of the compression process further comprises
adjusting the settings in accordance with the complexity for the at
least a part of the program by increasing compression for more
complex parts of the program.

26. (previously presented) The method of 25 wherein the adjusting
of the settings of the compression process further comprises
computing a new value for the bit rate in response to more complex
of the parts of the program being encoded with increased
compression.

27. (previously presented) The method of 15 wherein the adjusting
of the settings of the compression process further comprises varies
bit rates in accordance with program signal contents.

28. (previously presented) The apparatus for programming a
programmable controller of 16 wherein the means for providing
programmed structures for adjusting the settings of the compression

process further comprises means for adjusting the settings in
accordance with the complexity for the at least a part of the
program by increasing compression for more complex parts of the
program.

29. (previously presented) The apparatus for programming a
programmable controller of 28 wherein the adjusting of the settings
of the compression process further comprises computing a new value
for the bit rate in response to more complex of the parts of the
program being encoded with increased compression.

30. (previously presented) The apparatus for programming a
programmable controller of 16 wherein the adjusting of the settings
of the compression process further comprises varying the bit rates
in accordance with program signal contents.

31-32 (canceled)

33. (new) An encoding device comprising:
        a compression unit for encoding a signal representing a video
program of a predefined duration into compressed digital data with
a variable bit rate; and
        system controller means for controlling the compression unit
for adjusting, during the encoding, the bit rate of the digital
data, for limiting the amount of encoded data to less than a
predetermined amount of encoded data to represent the program, the
adjusting depending on: a remaining part of the predetermined
amount determined during the encoding, a remaining part of the
duration of the program determined during the encoding, and a
complexity of at least a part of the program.

34. (new) A method of encoding comprising the steps of:

receiving a signal that represents a video program of a
predefined duration;

encoding to convert the signal into compressed digital data
with a bit rate adjusted for limiting the size of the encoded data
representing the program to less than a predetermined amount of
encoded data;

determining during the encoding, a remaining part of the
predetermined amount of encoded data;

determining during the encoding, a remaining part of the
duration of the video program;

determining during the encoding, the complexity of at least a
part of the video program; and

adjusting settings of the compression process for adjusting
during the encoding the bit rate depending on: the remaining part
of the predetermined amount of data, determined during encoding,
the remaining part of the duration determined during encoding, and
the complexity of at least a part of the program determined during
encoding.

35. (new) An encoding device for encoding a signal, the signal
representing a program of a predefined duration, and the encoding
device comprising a compression unit for compressing the signal to
digital data, and a system controller for controlling the
compression unit for influencing the bit rate of the digital data
for fitting the program in a data space which is available for the
program in dependence on a remaining part of the data space and a
remaining part of the duration established during encoding,
characterized in that the system controller is arranged for setting
the compression unit in dependence on a program complexity of the
actual program.

36. (new) The encoding device as claimed in Claim 35, characterized in that the system controller is arranged for establishing the program complexity in dependence on an actual bit rate during a previously encoded part of the program.

37. (new) The encoding device as claimed in Claim 36, characterized in that the system controller is arranged for establishing the program complexity in dependence on peaks and valleys or variation of the actual bit rate during a previously encoded part of the program.

38. (new) The encoding device as claimed in Claim 35, characterized in that the system controller is arranged for establishing the program complexity in dependence on a program type.

39. (new) The encoding device as claimed in Claim 35, characterized in that the system controller is arranged for determining the duration in dependence on an expected duration of the program and a margin for leveling off peaks in the bit rate in a last part of the program and/or for the program overrunning its time.

40. (new) A recording device for recording a signal on an information carrier , the signal representing a program of a predefined duration, the information carrier having a vacant data space available for recording the program, and the device comprising recording means for recording a digital bit stream on the information carrier and means for establishing the predefined duration, characterized in that the recording device comprises an encoding device as claimed in Claim 35.

41. (new) A method of encoding a signal that represents a program of a predefined duration, the signal being converted by a

compression process into digital data with a bit rate influenced
for fitting the program in a vacant data space which is available
for the program, in which method a remaining part of the vacant
memory space and a remaining part of the duration are determined
during the encoding process and the bit rate is influenced by
settings of the compression process in dependence on the remaining
part of the vacant data space and the remaining part of the
duration, characterized in that the compression process is set in
dependence on a program complexity of the actual program.

42. (new) The method as claimed in Claim 41, characterized in that
the program complexity is established in dependence on an actual
bit rate during a previously encoded part of the program.

43. (new) The method as claimed in Claim 41, characterized in that
the program complexity is established in dependence on peaks and
valleys or variation of the actual bit rate during a previously
encoded part of the program.

44. (new) The method as claimed in Claim 41, characterized in that
the program complexity is established in dependence on a program
type.

45. (new) The method as claimed in Claim 41, characterized in that
the duration is determined in dependence on an expected duration of
the program and a margin for leveling off peaks in the bit rate in
a last part of the program and/or for the program overrunning its
time.

46. (canceled)

47. (new) The encoding device as claimed in Claim 35, wherein:

the system controller is arranged for establishing the program complexity in dependence on peaks and valleys or variation of the actual bit rate during a previously encoded part of the program;

the system controller is arranged for establishing the program complexity in dependence on a program type; and

the system controller is arranged for determining the duration in dependence on an expected duration of the program and a margin for leveling off peaks in the bit rate in a last part of the program and/or for the program overrunning its time.

48. (new) The recording device as claimed in Claim 40, wherein:

the system controller is arranged for establishing the program complexity in dependence on peaks and valleys or variation of the actual bit rate during a previously encoded part of the program;

the system controller is arranged for establishing the program complexity in dependence on a program type; and

the system controller is arranged for determining the duration in dependence on an expected duration of the program and a margin for leveling off peaks in the bit rate in a last part of the program and/or for the program overrunning its time.

49. (new) The method as claimed in Claim 41, wherein

the program complexity is established in dependence on peaks and valleys or variation of the actual bit rate during a previously encoded part of the program;

the program complexity is established in dependence on a program type;

the duration is determined in dependence on an expected duration of the program and a margin for leveling off peaks in the bit rate in a last part of the program and/or for the program overrunning its time.

50. (canceled)